THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18499 of 2006

Dated: 13-09-2006

Between:

Mrs. N. Jhansi Laxmi Bai.

..... PETITIONER

AND

The State of A.P., rep. by its Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18499 of 2006

ORDER:

The petitioner allegedly purchased plot No.102 admeasuring 1080 sq. yards in survey No.13 situated at Khanammet Village, Serilingampalli Mandal, Ranga Reddy District, under a registered sale deed dated 26-08-1983 and constructed compound wall. She also alleges that before purchase, she obtained necessary permission from the authorities under the Urban Land (Ceiling and Registration) Act, 1976, (ULC Act, for brevity). On 26-02-2006, a public notice appeared in Andhra Jyothi Telugu Daily cautioning the public not to purchase the land of Gurukul Ghatkesar Trust, fourth respondent herein, including the land in Khanammet Village. The petitioner, therefore, apprehends that the official respondents might dispossess her by taking coercive steps. Therefore, the present writ petition is filed alleging that her application for regularization is pending and pending such consideration, she cannot be evicted without due process of law.

This Court has heard the learned counsel for the petitioner, the learned Advocate General for respondent Nos.1 to 3 and 5 and the learned standing counsel for the fourth respondent.

The learned counsel for the petitioner placed strong reliance on the decision of a Division Bench of this Court in **Secy. to Govt., Revenue (Endowments) Dept. v. S.S.A.C.H.S. Ltd.**[1]. The learned Advocate General, however, opposed the writ petition. He submits that the Division Bench judgment cannot be applied to the present case as in the earlier case the question whether it was competent for the Gurukul Ghatkesar Trust to alienate trust property without prior permission from the Government under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity) arose. In this case, according to the learned Advocate General, the petitioner purchased the property in contravention of the ULC Act and the sale being void, the petitioner has no *locus standi* to file the present writ petition. He submits that though Section 19 of the ULC Act exempts the land belonging to a trust from the provisions of the Act, the moment the land is alienated by the trust, such benefit is not available. The learned Advocate General, however, does not dispute that the application made by the petitioner and similarly situated persons are still pending with the Government and the Government can as well consider these questions while either accepting or rejecting the request for regularization.

The petitioner purchased the land in survey No.13 from the Trust. When the department of Endowments initiated action for eviction of the occupants on the ground that the sale in their favour was void, some of the persons filed writ petitions and they were dismissed. However, in appeal,

a Division Bench of this Court in **Secy. To Govt., Revenue (Endowments) Dept. v. S.S.A.C.H.S. Ltd.**(supra), directed the Commissioner of Endowments to consider the applications of the petitioners for regularization. The Division Bench also observed as under.

> The writ petitioners, if they are so interested, may file appropriate applications before the Competent Authorities within eight weeks from today and in such an event the same shall be disposed of within four months from the date of filing of the same.
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> During the pendency of consideration of the request, if any, to be made by the petitioners, by the Competent Authorities, the writ petitioners shall not make any construction of whatsoever nature and shall maintain *status quo* existing as on today in all respects. They shall not alienate or encumber the lands in their possession or any portion thereof in any manner whatsoever.

In view of the above observations, the official respondents are precluded from taking any adverse action against the petitioner. This is not denied. Further this Court has already disposed of similar writ petitions, being W.P.No.11819 of 2006 by order dated 15-06-2006 and W.P.No.13114 of 2006 by order dated 29-06-2006.

The writ petition, with the above observations and following the decision of the Division Bench referred to hereinabove, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

13th September, 2006
ghn

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[1] 2003(6) ALD 225(DB)